

sider the vote refusing to insert "600,000." Carried. The question then recurred on filling the blank with "600,000."

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Throckmorton, Wootten, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, and Shepard—9.

Mr. Hord then offered the following amendment: "The provisions of this act to distribute cloth to the counties shall apply only to such counties as shall within_____days after the passage of this act notify the Superintendent of the Penitentiary that they wish to receive the same. Another reminder of such cloth shall be sold or offered for sale to the Confederate States and the proceeds shall be distributed to the counties which have not signified their willingness to receive the cloth" to be inserted after the words "provided" and "section," all between those words being stricken out. Adopted. Mr. Guinn moved to fill blank with "90 days." Carried. Mr. Guinn moved to strike out of the bill all that relates to levying and collecting taxes.

The Senate then adjourned until Monday morning 9 o'clock.

Monday, November 7, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of Saturday was read and adopted.

Mr. Dickson, Chairman of Committee on Education, reported a bill to amend the act to incorporate New Braunfels Academy, back to the Senate for its action, the Committee being unable to agree.

Mr. Shepard, Chairman of Committee on State Affairs, reported adversely to the passage of joint resolutions in relation to claims held by county corporation and citizens of Texas in aid of military defense, and recommended the indefinite postponement of a bill to amend 12th and 24th sections of an act to authorize county courts to regulate roads, appoint overseers, etc. The same Committee recommended the passage of the following bills:

A bill to allow assessors and collectors and chief justices to procure stationery from the Comptroller's office. A bill to authorize the use of the Penitentiary for the confinement of convicts from Louisiana, Arkansas, and Mis-

souri, and a bill making an appropriation to defray the expenses of Attorney General's office for 1864 and 1865, which on motion was taken up, read 2nd time, and passed to 3rd reading. Rule suspended, read 3rd time and passed.

The report of Judiciary Committee on a bill to amend 4th section of act to organize the Supreme Court of the State of Texas was on motion taken up. Bill read 2nd time. Mr. Harcourt moved to amend by inserting "and in addition to the duties now required by law of the clerks of the Supreme Court each of the clerks appointed under this act shall be required to act as librarian in keeping and preserving the books of the Supreme Court." Adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Selman presented the memorial of the citizens of Van Zandt County relative to changing the time of holding the district court. Also a bill to change the time of holding the district courts in 16th Judicial District. Read 1st time. Rule suspended. Read 2nd time and referred to Judiciary Committee.

Mr. Jowers introduced joint resolutions relative to the purchase of clothing and provisions from quartermasters and commissaries in certain cases. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A message from the House informed the Senate of the passage of the following bills:

A bill to protect persons in the right to consult counsel in certain cases. Read 1st and 2nd times and referred to Judiciary Committee.

Joint resolution concerning the distribution of medicines.

A bill to prohibit the sale of ardent spirits and liquors within 10 miles of the town of Huntsville, except for certain purposes. Read 1st and 2nd times and referred to Committee on Judiciary.

A bill supplementary to and amendatory of an act to incorporate the Guadalupe Manufacturing Company. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to raise revenue by levying an occupation tax on the distillation and sale of spiritous liquors and an income tax on the sale of spiritous malt and various liquors.

Read 1st and 2nd times and referred to Finance Committee.

The bill to provide more effectually for the support and maintenance of soldiers being under consideration at the adjournment of the Senate on Saturday, the amendment offered thereto by Mr. Guinn was considered and lost by the following vote.

Yeas—Messrs. Burney, Durant, Guinn, Harcourt, Lea Knox, Shepard, and Throckmorton—8.

Nays—Messrs. Charlton, Davis, Dickson, Ford, Haskell, Holland, Hord, Jowers, Kinsey, Maxey, Moore and Davis, Parsons, Wootten, and White—14.

Mr. Throckmorton offered the following amendment which was adopted: "Provided that the counties which have not heretofore received the amount of cloth from the Penitentiary to which such counties are entitled under the regulation heretofore adopted for distributing cloth to the counties shall have until the 1st day of April, 1865, to apply for and receive the same and the amount of cloth still due such counties shall be taken out of the amount herein before in this act set aside for distribution provided further that such counties shall pay for the cloth as heretofore."

Mr. Parsons moved to amend by adding in Section 5 after the word "act" in 24th line, the words, "during his continuance in said service." Adopted.

Mr. Throckmorton offered the following to come in at end of Section 2. "It shall be the duty of the Superintendent and Directors of the Penitentiary to calculate the cost of transportation to the various counties in the State and shall make a due allowance for the same in distributing said cloth that is every county in proportion to the list of beneficiaries shall be considered equally entitled, but the counties remotely situated from the Penitentiary shall receive more cloth and those approximate to it shall receive less cloth in proportion to the distance and cost of transportation."

Mr. Maxey offered the following as an amendment to Mr. Throckmorton's proposed amendment: Strike out all after the word "cloth" in the 5th line and insert as follows: "and shall distribute to the several counties a sufficiency of cloth in addition to the quantity provided for in

this act to pay the transportation of the cloth to the several counties.”

A motion to lay on the table was lost by the following vote:

Yeas—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Nays—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

The amendment was then amended as proposed by Mr. Maxey. The amendment was then laid on the table. Mr. Charlton then moved to reconsider the vote adopting the 1st amendment offered this day by Mr. Throckmorton, whereupon the yeas and nays being called stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

The question recurring on the adoption of the amendment, Mr. Maxey offered the following as a substitute: “Provided it shall be the duty of the financial agent to distribute to the counties which were entitled to cloth under existing laws and which have not recovered their quota the quantity to which they are entitled in addition to the quantity appropriated by this act.” Mr. Maxey by leave withdrew the amendment and offered the following in its stead: “provided however that nothing in this act shall be so construed as to prohibit the counties which have not heretofore received their quota of cloth under regulations upon the subject of distributing cloth for soldiers’ families from receiving their proportion with other counties that have received cloth from the Penitentiary.” Adopted by the following vote:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Mr. Harcourt then proposed the following as an

amendment: "and no distribution shall be made under the provisions of this act until the former distribution shall be equalled by setting apart to counties which have not so received their quota of cloth the amount due them." This amendment being under discussion, Mr. Lea having the floor gave way to a motion to adjourn until tomorrow morning 9 o'clock which was put and carried.

Tuesday, November 8, 1864

9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Shepard, Chairman of Committee on State Affairs, on behalf of the Committee recommended the passage of the following bills:

A bill to repeal an act to authorize the Governor to appoint certain officers to represent the interests of the soldiers and citizens of the State at the headquarters of the Trans-Mississippi Department.

A bill for relief of the heirs of John B. H. Jones.

Joint resolutions concerning the distribution of medicines and a bill supplementary and amendatory of an act to incorporate the Guadalupe Manufacturing Company.

Mr. Harcourt, Chairman of Judiciary, reported a bill to protect persons in the right to consult counsel in certain cases, and recommended its passage.

Also the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has considered a House bill to be entitled an act to prohibit the sale of ardent or spiritous liquors within ten miles of the courthouse in the town of Huntsville, Walker County, except for medicinal purposes, and the Committee are fully sensible of the enormity of the evils arising from the use of intoxicating liquors, but it is believed by a majority of the Committee to be contrary to the spirit of the age, and the policy of the government to undertake to control the appetites of our fellow men in prohibiting legislation.

If there be a majority of the citizens within the limits of the ten miles specified in the bill who are in favor of the passage of such a law, they must possess enough moral influence to discountenance and suppress the evil complained of, and this moral influence is believed to be a surer